

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

CHRISTOPHER MCCLURE,)
Plaintiff,)
v.) No. 2:23-cv-00144-JPH-MJD
MICHAEL GREGORY Nurse,)
KEVIN DEW Doctor,)
QUALITY CORRECTIONAL CARE,)
Defendants.)

ORDER DISMISSING ACTION

Magistrate Judge Dinsmore has recommended that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff Christopher McClure's repeated failure to comply with the court's orders. Dkt. 59. Specifically, Magistrate Judge Dinsmore noted: (1) Plaintiff, who is no longer incarcerated, failed to appear for a telephonic status conference following the Court's grant of partial summary judgment on the issue of exhaustion; (2) Plaintiff failed to appear at a subsequent hearing to show cause why he should not be sanctioned for failing to appear at the earlier hearing. There has not been any objection to the report and recommendation or any motion to substitute.

The court **adopts** Magistrate Judge Dinsmore's report and recommendation, dkt. [59], in whole. *See GCIU Employer Retirement Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1198-99 (7th Cir. 1993) ("[A] party cannot decide for itself when it feels like pressing its action and when it feels like taking

a break because trial judges have a responsibility to litigants to keep their court calendars as current as humanly possible.") (quotation marks and citation omitted). This action is **dismissed with prejudice** pursuant to Rule 41(b) for failure to prosecute. The **clerk is directed** to enter final judgment consistent with this order and the Court's screening order, dkt. 17, and the summary judgment order, dkt. 54.

SO ORDERED.

Date: 4/7/2025

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email

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